

KAILUA NEIGHBORHOOD BOARD

REGULAR MEETING MINUTES

THURSDAY, FEBRUARY 2, 2006

KAILUA RECREATION CENTER

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DRAFT REGULAR MEETING MINUTES FEBRUARY 2, 2006

CALL TO ORDER: Chair Kathy Bryant-Hunter called the meeting to order at 7:15 p.m., a quorum was present with 17 members.

MEMBERS PRESENT: Lawrence Bartley, Kathy Bryant-Hunter, Jim Corcoran, Michael Correa, Susan Dowsett, Mike Dudley, Virginia Enos, Faith Evans, Dale Gibler, Debbi Glanstein, Joe Harding, Knud Lindgard, Charles Prentiss, Linda Ure, Bill Wilson, Josh Wisch, Donna Wong.

MEMBERS ABSENT: Jon Chinen, Claudine Tomasa.

GUESTS: Marie T. Gorak (Homeless Animals), John R. Elliott, Helen Anastasopoulos, Joe Gillman, Michelle Brosseau, Karen Puu, Puanani Huggins, Erick Eck, Mark Pillori, Marion Mullins, Richard Trueblood, Kory Payne, Suze Salm, Gregory Lee, Elaine Sebben, Gail Myers (Councilmember Marshall's Office), Danyque S. Pollari, Sharon MacQuaid, Keith Verwoest, John Foster, Kevin Lockette, Luci Bryant, Manu Mook and Makena Mook (Guardian Angels), Holger Gruenert (Kite Boarder), Pat Baxter (Realtor), Stann Reiziss, Jan Wakamatsu, Glenn Uyeshiro, Jack. W. Hitchcock and Brenda Lumeng (Save Mt. Olomana), Malia Smith (Senator Hogue's Office staff), Mark Hines, Bob Bourk, Amanda Norton (DURP), Senator Fred Hemmings, Representative Pono Chong, Representative Tommy Waters, Anne Gasc (Kite Boarder), Jim Wood, Lt. Kennard Finn (Honolulu Fire Department), Capt. Geoff Chang (Honolulu Fire Department), Kawehi Yim (Board of Water Supply), Kaipo Asing (Emergency Medical Services), Bob Kessler, Emily Reed, Marie Richardson (Neighborhood Commission Office).

UNFINISHED ACTIONS: None.

APPROVAL OF REGULAR MEETING MINUTES OF DECEMBER 5, 2005: Ure indicated receiving grammatical and spelling corrections; it will be included in the minutes. Corrections were:

Page 2, Board Recognition Awards, line 3 [their decisions] the decisions

Page 3, 3 last word on line [whom] that

Page 6, Councilmember Barbara Marshall, 3, line 4: [petitioned] partitioned

Page 7, Councilmember Barbara Marshall, bullet 1, line 7 correct [levy] levee

Page 7, Councilmember Barbara Marshall, bullet 2, line 5 correct [levy] levee

Page 9, final 3-4 lines at bottom of page: [Hamakua/Kanene] Hamakua/Kainehe

Page 11, line 10, [Medler] Meder

Page 13, P, Z & E Committee, [pertaining] permitting

Harding moved and Prentiss seconded that the minutes be accepted as corrected. Motion carried unanimously. 17-0-0. Ayes: Bartley, Bryant-Hunter, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

AGENCY REPORTS:

HONOLULU FIRE DEPARTMENT (HPD) – Capt. Chang reported:

1. 20 Fire: 2 structure, 2 brush, 8 rubbish, and 8 vehicle fires; 123 Emergencies: 86 medical, 7 search/rescue, and 26 miscellaneous emergencies; and 1 unusual incident involving an auto recovery off Pali Highway-Kailua Bound.
2. **Fire Safety Tip: a) every home should have a WORKING smoke detector installed near each sleeping area and on every level. Since cooking vapors and steam can set off a smoke detector, the detector should be located away from the kitchen or bathroom. Wall-mounted detectors should be positioned 4 to 12 inches below the ceiling and away from air vents.**
3. The following results are from a survey conducted of 80,000 elementary schools students in which almost 48,000 responded: 87% of the homes had smoke detectors and 2% were not certain whether one existed. Of the 87%, 67% of the families tested their detector that month and only 71% of the smoke detectors were operational. This survey enforced our belief that, "Every home should have a WORKING smoke detector installed near each sleeping area and on every level."

HONOLULU POLICE DEPARTMENT – Lt. Finn reported for December 2005 and January 2006:

1. January's statistics included: 26 burglaries, 60 other property thefts, 40 thefts from automobiles (UEMV), 6 robberies, 25 auto/motorcycle thefts. December's statistics included: 30 Burglaries, 65 other property thefts, 50 thefts from automobiles (UEMV), 3 Robberies, 27 auto/motorcycle thefts, both reports were distributed and available for review.
2. Park statistics / citations issued: 41 park closures citations, 7 arrests/warrants, 2 illegal camping citations, 8 human habitation citations, 19 vehicle-parking citations.
3. Juvenile Driver's License – extended licensing process for the next three years.

EMERGENCY SERVICES DEPARTMENT – Kaipo Asing reported:

1. January 2006 statistic total for Kailua: 222 ambulance calls, 136 patients transported, 10 emergency transfers, 44 patient refusals, 36 cancelled calls, 4 @ scene dead on arrival, and 55 out of area.
2. Annual total of 2005: 2,611 ambulance calls, 1,735 patients transported, 30 emergency transfers, 387 patient refusals, 395 cancelled calls, 49 @ scene DOA, 3 @ scene DC/Commo, 2 @ scene other ambulance, 671 out of area, 6 MAST (Military Assistance Safety and Traffic), and 612 co-response.

MARINE CORPS LIAISON – No representative, no report (see chronological file for newsletter)

QUESTIONS AND ANSWERS FOLLOWED (AGENCY REPORTS):

HFD: No questions.

HPD:

1. In response to Dudley's concern that there was no response regarding a human habitation call, Lt. Finn indicated it might depend on specific shift priorities, however, any 911 emergency calls will be responded to.

EMS:

1. Evans indicated the statistics remain about 25% for out of area calls, which has an affect on Kailua. She pointed out the need for another ambulance in Windward. The Rapid

Response Team is valuable for non-emergency transports and is able to determine if a full ambulance is still required. Both are needed for the Windward area.

2. Glanstein indicated bills from both the House (HB 2187) and Senate (SB 2191) asking for grant in aid for several 100,000 dollars; we are waiting to see when they are scheduled for a hearing and you can contact Evans and me so we can be there for the hearings. Asing suggested emailing Patty Dukes at pdukes@honolulu.gov for further information.
3. Lindguard again requested response times, both earliest and latest intervals. Asing indicated that the law requires a two-minute response with a 15% variable rate. He suggested the difficulty was in dispatching; and may be a factor causing response times to vary. Chair Bryant-Hunter requested getting information on the response time for next month.

BOARD OF WATER SUPPLY - Kawehi Yim reported on:

Keolu Hills Water Main Project - The contract was awarded to Thurston-Pacific, Inc. Construction is scheduled to begin March 6, 2006 and to end October 2006. Hours of work from 8:30 a.m. to 3:30 p.m., Monday thru Friday, with no work on holidays. The work involves installation of new 8-inch water mains – replacing the existing (1907 to 1966) cast iron main installations that have had 50 breaks (since 1979) and fire hydrants and appurtenances along Akule Street from Kupau to Loho Streets; on Loho Street from Kina to Hele Streets; on Hui Street from Keolu Drive to Mowai Street; Hele Street from Kina to Kupau Streets; and Kina Street from Noninui Place to Hele Street (6,550 linear feet). The cost of the project is \$1.2 million.

QUESTIONS, COMMENTS AND CONCERNS FOLLOWED:

1. The material being used is PVC piping, installation method is open trenching and there will be appropriate traffic control officers.
2. In response to Wong's inquiry, Part 1 of the project is the replacement of 8-inch pipes; some areas will have 4-inch replacement in Part 2 of the project and are located nearer Kalaniana'ole side of the area.
3. In response to the inquiry whether the homeowner would be assessed, Yim replied there would be no assessment fee to the homeowner.

HONOLULU LIQUOR COMMISSION – No representative present.

Enos moved and Dudley seconded to take the agenda out of order and **move Community Issues ahead of Board Actions**. Discussion followed: Bartley spoke against the motion because agenda items are scheduled, and participants may not be here yet. Dudley spoke in favor because it would be polite to let them speak and not wait. Harding spoke in support of the motion. Corcoran requested the motion be voted on. Evans spoke in support of the motion. **The motion carried, 12-5-0.** **Aye:** Bryant-Hunter, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Glanstein, Harding, Lindgard, Wilson, and Wisch. **Nay:** Bartley, Corcoran, Prentiss, Ure, and Wong.

COMMUNITY ISSUES: Those wishing to speak were asked to sign-in, complete a community concern form or email to: kathybryant@dpr4adr.com.

1. Maria Gorak shared concerns about the noisy activities on and in the parking lot at Zippy's 24-hour restaurant to include the garbage being placed in the bins and persons in the lot talking loudly besides their cars at all hours. Wong reminded the community the Board had opposed the Senior Housing being placed in that location as it was a commercial area. The City said the units could be air-conditioned. Ms. Gorak said it was too costly to run the air-conditioners on fixed income.
2. Suze Salms is requesting support two bills introduced by the House and Senate relating to Voter Owned Elections. House Bill 3247 introduced by Sylvia Luke; and Senate Bill 3223 introduced by Suzanne Chun-Oakland. She requested the Board support the bills

with a resolution. Government and Community Services Committee will get copies of the bills to examine on behalf of the Board.

3. Pirate Taitano introduced the Guardian Angels, an international organization in existence for 26 years with 28 chapters active in the U.S., South America, Europe and the Philippines. They would like to offer their services in getting the community organized with neighborhood watches, rolling patrols, as there are increased property crimes and illegal drugs, especially ICE on Oahu, affecting neighborhoods. The group presents to schools about the negative effects of crime that is not generally known. Their motto is deterrence by presence. For more information email: H20tiger@blackworld.com or call 222-9135; or log onto: www.guardianangels.org or call 220-4288, Chico Garcia.

Chair Bryant-Hunter announced that Property Tax Relief Now (PTRN) organization has a petition and additional information on property taxes at the side of the room for those who are interested.

4. Kevin Lockette shared further concerns regarding the homeless and illegal campers across from Kailua Beach Park, the illegal activities, screaming, belligerence, and arguments. He's called 911 on occasions and it appears that HPD is currently taking action and moving persons engaging in these activities from the area, however, they end up finding their back to the area. He is seeking additional guidance from the Board.

Comments followed:

1) Chair Bryant-Hunter said there are two committees that are addressing this issue, Parks and Recreation and Government and Community Services. She encouraged attending the committee meetings to participate in trying to find alternatives and/or options. 2) Enos indicated a person that was cited went before the judge and the judge dismissed the case on a technicality. The community is frustrated, and the feedback is that HPD is doing their job; but there needs to be stricter laws for enforcement. Enos further suggested the Transportation and Public Safety Committee could work on the problem from the judicial side as a public safety issue. 3) Scott Draper hopes something can be done because the area continues to be flooded with the same homeless persons. 4) Marian Mullins said the situation is not about the homeless but is it a safety issue to users of the parks. 5) Evans reminded residents of the Transportation and Public Safety meeting on Wednesday, February 15, 7 p.m. at Kalama Beach Park and invited them to participate.

KAILUA BAY ADVISORY COUNCIL ANNOUNCEMENT - Kia Leiana Okiwe announced the next KBAC Community Stream Walk is February 18, 2006 8 a.m. to noon for a Walk of Kawai Nui Marsh and Maunawili Stream. Meet at Kawai Nui Neighborhood Park. Rick Guinther will talk about the dynamics and history of the Kawai Nui Ahupuaa. Marsh and Stream health and water quality will be assessed using KBAC's Stream Assessment Survey. Free refreshments, water, sunscreen, and bug repellent. Bring hat and gloves and wear comfortable walking shoes. Contact Kai Okiwe at 277-5611 or email kaiokiwe@hawaii.rr.com to reserve your place.

LET HONOLULU VOTE INITIATIVE EFFORT - Bob Kessler presented Let Honolulu Vote initiative effort, which would put a question on the November 2006 ballot to amend the City Charter, allowing a decision by the voters to either levy or remove taxes increases such as the General Excise Tax Surcharge or Property Taxes. There is a need for 45,000 valid signatures by the end of the summer. Emily Reed, helping with the effort, suggested logging on to: www.letonoluluvote.org to sign the petition.

Comments followed: 1) Glanstein's understanding is that the initiative presented was already included with the Charter Commission process and has already been voted on to not move forward. Therefore, the belief seems to be that the only recourse is to get petition signatures to get it on the ballot. The number of signatures required is 10% of the number of votes cast in the last Mayoral election, although she did not know what that exact number would be and stated it was good thing for the organizers to try this method.

BOARD ACTIONS:

PARKS AND RECREATION COMMITTEE: Committee Chair Prentiss

The KNB urges the State Department of Land and Natural Resources (DLNR) to issue licenses for kite boarders dedicating the license fees used to support State DLNR enforcement officers' increased presence at Kailua Bay in an effort to increase safety in water sports activities at beaches. Prentiss explained the Board had considered allowing the Kite boarders to self-police themselves for three months, however the board rejected that proposal and the Parks and Recreation Committee took up the issue again. This motion is intended to license kite boarders through DLNR and be enforced by DLNR.

Discussion followed:

1) Corcoran attended both committee meetings and is in support of the motion. 2) Oahu Kite Club (OKC) - Anne Gasc, spoke on behalf of OKC and indicating they've have been proactive and constant in promoting safety guidelines through a self-regulation effort. OKC proposes alternative solutions and would have the board reconsider the motion for licensing. In the first part it would give a detailed background on kite boarding activities; and the second part lays the core of proposals based on three major points: a) enforce existing DLNR regulation with the use of posted signs and marker buoys; b) implement a local licensing for kite boarding instruction; and c) implement an adopt-a-beach program to better care for Kailua Beach Park. OKC is convinced that these new tools will assist in enforcing the existing regulations, together with local licensing, and adopting that portion of Kailua Beach would allow the kite boarding community to make a difference in preserving their spot. 3) Evans asked to move on. 4) Erik Eck, member of OKC, suggested the DLNR rules are sufficient to regulate swim, sun and wind areas; DLNR rules should be posted and no one should be in disregard of persons in their zone of sport as each has a designated area. Mr. Eck suggested having DLNR license the instructors and certify the instructors. 5) Gibler understood there were DLNR rules, however, questions how OKC or DLNR intends to enforce those rules. Mr. Eck stated the reporting would be to State DLNR officers who would cite the offenders and place the issue in judicial oversight through the courts. 6) Enos questioned whether it would be illegal to sunbathe outside the sun zone even if the wind-zone is not in use by wind surfers as the zone for wind surfers is 300 feet wide at the beach. It also appears the kite surfers don't seem to be aware that they must slow down near swimmers. 7) Michelle Brosseau offered a proposal to Chair Bryant-Hunter and stated it was desirous to have a safe and enjoyable sport with solutions that DLNR could offer such as signage and coordination of the Kite boarding, kayaking, wind surfing, swimming and sunbathing in designated areas to affect safe zones. 8) Danyque Pollari suggested that money in the form of licensing would not address the problem of disregard by kite boarders to other beachgoers. Educating the groups to have respect for others can solve it; and that can be addressed with signage along with immediate removal from the beach for infractions. 9) Chris Helmes reminded the board that the sport is not only for the young, older folks does it too. Enforce the rules on the books. DLNR and the lifeguards need to hold people accountable for their actions. The Kite boarders don't have the whole bay, just an entry and exit point. To restrict the sport will take money away from the area. People come from around the world to engage in this sport. Signage, education and enforcement will make the sport safe for all beachgoers. 10) Dudley inquired of Danyque on the specifics of the infractions in behaviors by kite boarders. Danyque stated she was a resident of Kailua 11 years and had encounter younger participants that were sarcastic and sassy. It appears that more kite surfers than others don't understand the rules of the water and are reticent to attempts at enforcement. Trying to explain to these particular persons doesn't seem to help, as not everyone appears to care about other beachgoers. Buying a license won't change that; we need more enforcement. 11) Bartley opposed the motion for licensing, as it does not address the problem. The need is for rules enforcement with dedicated warrant officers. Bartley was also opposed to financing enforcement officers with a licensing fee. Agencies that support themselves with fees tend to want to license more people, not necessarily enforce the rules. We need

education and enforcement on site at the bay. 12) Wong stated she had been contacted by a constituent that the kite boarders, the rude ones, were jumping over swimmers and kayaks and not observing the right-of-way; and that the sport was just too dangerous for Kailua Bay. The handout earlier shows designated areas, but there is no way for each activity to stay in just one area designated exclusively. 13) Evans spoke against the motion, recalling such issues come before the board every 6-7 years. Licensing fees will go into the general fund and will not be sufficient to cover the officers needed. Unfortunately the span of the kites is 100 feet wide—enforcement will be difficult without more officers and DLNR needs to go to the State Legislature to request more funding for enforcement (which she understood they had) but she did not know how many officers positions would come from that or how many of them would end up in Kailua. 14) Wisch was concerned that it is not the practice of DLNR to license other sports: surfers, skate boarders, paddlers—all of which have been called dangerous; secondly he was impressed with the number of persons who turned out with a plan to address the issue and he did not see a problem with giving it a chance when it is to follow the rules already in place. 15) Corcoran stated he has swum 10 years in the bay and has never had a kite boarder or wind surfer run into him, only a kayak paddle. He was not sure a problem existed. As a kite boarder I would go through a licensing process with DLNR and welcome education and enforcement with an officer. He supports the motion. 16) Enos felt a few people were ruining it for the rest of the beachgoers; however, self-enforcement does not seem to work. 17) Gibler agreed with Wisch that licensing kite boarders would require licensing for all sports. He was opposed the motion. 18) Jim Wood felt there was a need for more enforcement. During the audit of DOCARE serious difficulty was uncovered especially in unfilled and unfunded positions in enforcement because of lack of personnel. DOCARE needs enforcement officers and the authority to enforce. Volunteers are not enough. 19) Elaine Savings, resident clarified the lanes are 100 feet long and are not rented, only lessons are being paid for or it is personal equipment. As the persons in the sport are often professionals in their day jobs, they are responsible. 20) Dowsett spoke against the motion and stated that the multiple use of the beach may not be compatible with the space the kite boarders require. Enforcement may not be adequate at this time. While the Parks Committee had done a good job addressing the problem, we need to try something else. 21) Dudley understood the problem, as described by kite boarders who attended the committee meetings, as hot-dogging kite surfers, often not residents of the island, not obeying the rules and a license may assist with that as the process of obtaining a license gives one more opportunity to get the rules. The handout shows the lane as 1150 x 300 feet, however it is not marked and swimmers, boats; kayaks all go through the lane. Earl Emoto (DLNR) saw the need, as did he—signage to designate the lane. 22) Glanstein understood there was an objection to licensing for kite boarders, however there is support for enforcement by officers to increase safety in water sports—we just don't know how. While licensing may not be effective, we don't know any other way of doing it—not even the participators in the sport that wish to see it safer. The conversation needs to continue. The intent is important and it is a good step forward. 23) Prentiss reminded the board that the committee is responding to complaints from residents over a number of months now. The proposal from the kite boarders, tonight, to post signs, is a good suggestion and it is anticipated DLNR will be doing that anyway. Also the adopt-a-beach is a good suggestion. It must be recalled that the board rejected the self-policing last month. Sunbathers and seniors are afraid to be on the beach or to confront the kite boarders—and it may be unwise to do so. The DLNR regulations that were brought to the meeting were very interesting; however, how many kite boarders know the rules. And persons who come to the beach from abroad need to know the rules, even DLNR had to understand the rules so that every beachgoer is safer. If each kite boarder had to go to DLNR and take a small test and get a license, that would assist in understanding the rules before going to the beach to engage in the sport. The motion was reread Chair Bryant-Hunter **The KNB urges the State Department of Land and Natural Resources (DLNR) to issue licenses for kite boarders dedicating the license fees used to support State DLNR enforcement officers' increased presence at Kailua Bay in an effort to increase safety in water sports activities at beaches** and the vote was taken by voice vote. **The motion carried 10-7-0.** Ayes: Correa, Dowsett, Dudley, Enos, Glanstein, Lindgard, Prentiss, Ure, Wilson, and Wong. Nays: Bartley, Bryant-Hunter, Corcoran, Evans, Gibler, Harding, and Wisch. A letter will be forwarded to DLNR

with the motion and the Parks and Recreation Committee will continue the discussion, especially as relates to commercial uses of Kailua Beach Park.

TRANSPORTATION AND PUBLIC SAFETY COMMITTEE: Committee Chair Evans moved that **the KNB urge the City and County of Honolulu to reopen a Driver License office in the windward area.**

Discussion followed:

1) Dudley recalled he renewed his license at the Windward Mall. 2) Evans agreed it is possible to renew a driver's license, but not take a written test or road test—for that it is necessary to go to Honolulu. 3) Dudley spoke in support of the motion. **The motion carried by unanimous consent, 17-0-0.** Aye: Bartley, Bryant-Hunter, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

The KNB requests that the Department of Transportation Services (DTS) establish protected left turn phases at: a) the intersection of Kailua Road and Hahani Street; b) the intersection of Oneawa Street and Kihapai Street; and c) the intersection of Kuulei Road and Kainalu Drive.

Discussion followed:

Corcoran spoke in support of the motion noting the importance of these heavily traveled intersection and the safety concerns for pedestrians, bicyclers, and persons who wish to turn left safely.

The motion carried by unanimous consent, 17-0-0. Aye: Bartley, Bryant-Hunter, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

GOVERNMENT AND COMMUNITY SERVICES COMMITTEE: Vice-Chair Corcoran moved that: **The KNB advises the Legislature and the Governor to apportion the budget surplus to the rainy day fund and to such other maintenance and repair requirements for schools and other needs as are currently scheduled.**

Discussion followed:

Chair Bryant-Hunter passed the gavel to Vice-Chair Bartley to speak on the motion.

1) Bryant-Hunter spoke in support of the motion requested adding an amendment that funding for DOCARE should be considered as "other needs...currently scheduled". Corcoran requested it be taken to committee for a separate motion. 2) Enos spoke in support of the motion especially in repairs the Board of Education has requested. 3) Corcoran expanded that the motion was a way to tell the Governor and the Legislature that the public asks that the surplus, which is considerable, to replace the Rainy Day Fund, State Highways Funds (for projects like repaving the Pali tunnel), and addressing the Governor's initiative to provide relief for the Homelessness and affordable housing. The motion was not designed to be too specific as the needs are so great—it was felt the motion needed to be more general. As the Budget process goes forward with those specifics, as they appear before this legislative session, such as DOCARE and School Repairs and maintenance, the people have an opportunity to address specifics with the legislators. 4) Prentiss spoke in support of the motion and noted the money as come from the increased rate of tourism during the last year or so, even having an effect on property taxes. Folks are coming here because they are afraid to go to other tourist destinations. Since the bulk of the money is derived from the tourism we have had, we have an opportunity to put it back into the infrastructure and services that were removed in the lean years. 5) Evans spoke in support of the motion and requested to amend by removing "to such other" and adding **budget surplus to the rainy day fund and maintenance and repair requirements for schools and other needs as are currently scheduled.** 6) Corcoran accepted the

amendment as Vice-Chair for the Committee. 7) Senator Hemmings offered the Board what he felt was salient information that may have a bearing on the vote. This March the Council on Revenue will announce an increase in surplus. There are a great number of people here who are expecting and asking for tax relief. Government taxes come from a number of sources. Besides the tourist, we, as citizens are among the highest taxes areas of the nation. Just before the legislature opened for this session the surplus was found to be one half a billion dollars either encumbered or unencumbered in the State treasury for repairs and maintenance in schools. The Governor has added another 90 million financing, another 100 million in bond issuance in repairs and maintenance in school building projects. So, the money is already there to provide adequate repair and maintenance for at least the next six years. You weren't told by BOE that there was already a half a billion dollar on the books. Secondly, there is a bi-partisan effort to bring tax relief, Senator David Ige, myself and others have introduced a very cruel tax, that is, the excise tax on food which, this surplus could be used to partially offset. Senator President and the Governor are considering adjusting the tax brackets to get the working poor off the tax roles. I suggest to this committee that it reconsider this motion for the time being because there is enough money to provide tax relief and as far as repairs and maintenance on the roads, 12 million was taken out of the (that comes from the gas tax, by the way—which is the highest in the nation) – 12 million was raided out of that just two years ago—that money can be matched for roads from the federal government. So through prudent fiscal management we have enough to repair and maintain our schools and give back money to the taxpayers of our state. 8) Glanstein gave all due respect to Mr. Corcoran and the committee, however, stated she had not gone through the Administrative Package, however, she has listened to what is happening on the national level and she knows there are going to be big holes in state budgets that are going to have to be filled, particularly for health and human services. She cannot support the motion at this time because it is too limited. Certainly she supports the repairs and maintenance of schools, however, there are much more pressing needs that deal with people, especially venerable people, frail and elderly, children, foster children. There are many needs that must be addressed, in this session, as housekeeping measures that are coming down from the feds during this session. 9) Wish requested from Senator Hemmings if a portion of the surplus was apportioned to tax cuts would he then support the motion, and secondly, since the motion advises the legislature and the governor it would be optimal to know the opinions of Representatives Chong and Waters as well as Mr. Recktenwald, on behalf of the Governor as this motion would be addressed to them as well. 10) Hemmings agreed with Wisch that the motion should not tie the hands of the Governor or the Legislature, as there are too many opportunities to address all these problems in an intelligent manner. As Ms. Glanstein, human services programs, we can help these poor folks out by eliminating the tax on food. It is a crime to tax the poor, elderly, and frail. We also believe there is enough money, federal money, to address many of the issues that have federally matching state funds available. We have to have the flexibility to spend the money in a wise manner. By tying your hands and the State's hand in specifics as this motion does, may not be in your best interest. 11) Jim Wood agreed with Ms. Glanstein on lots of other needs, agreed with Senator Hemmings in that there is enough money to do various things like lowering taxes—however, I favor this motion because I believe it is an expression of the priorities that need to be brought forward. Other priorities can be expressed as well through other motions. Maintaining schools and having an adequate rainy day fund seem to be excellent priorities. This motion certainly doesn't tie anybody's hands if the Kailua Neighborhood Board expresses their desire to have those two things supported. 12) Wong supported the motion much as had Mr. Wood, especially as relates to education. It is preferred that we give our students a good learning atmosphere. This motion sets a tone from this board that we support education for our children. 13) Ure spoke to the motion recalling the conversations that were heard in committee, in that the State has a surplus, and there were different ways to treat that surplus, including political. Ure urged considering putting back the money we stole from ourselves with the surplus before we start giving it away when we don't really know whom it came from--by taxpayer. 14) Corcoran explained that the committee used these examples for the surplus and also generalized to "such other means as are currently scheduled" to address the state telling us that they could not address items because of lack of funds available, for example a DLNR enforcement officer at Kailua Bay. It would be appropriate for the taxpayers in the audience to let us know how they think the surplus should be handled.

Bartley suggested the motion says for the State to keep the surplus and not give it back as tax relief and he opposed the motion because he thinks there should be tax relief when the state gets too much money. 15) Governor's representative Mark Recktenwald explained that in the Governor's State of the State address the governor has stated her priorities are: replace the Rainy Day Fund, repairs and maintenance of schools, homelessness, affordable housing, and tax relief is an important part that the governor thinks should be given back to the people who paid it and helped to earn it. Tax relief has to be a part of the equation. All those things can be achieved with a reasonable amount of compromise. Member of the audience stated the surplus should go to education. Chair Bryant-Hunter reread the amended motion. **The KNB advises the Legislature and the Governor to apportion the budget surplus to the rainy day fund and maintenance and repair requirements for schools and other needs as are currently scheduled. The motion failed 9-7-1. Ayes:** Corcoran, Correa, Evans, Gibler, Lindgard, Prentiss, Ure, Wilson, and Wong. **Nays:** Bartley, Bryant-Hunter, Dudley, Enos, Harding, Glanstein, and Wisch, **Abstain:** Dowsett.

PLANNING, ZONING AND THE ENVIRONMENT COMMITTEE: Vice-Chair Corcoran moved for the Committee that: **The Kailua Neighborhood Board opposes the variance request at 734 Mokulua Drive to build a swimming pool within the 40 foot setback.**

Discussion followed:

1) Corcoran stated the hearing for the variance was held the same day, as the committee meeting, however is appropriate for the position of the board to be forwarded to the department in any event so that the record is recorded. The committee decided it should not support a violation of the 40-foot setback of the Shoreline Management Area. 2) Evans asked if the owner of the property was notified that the board would take up this issue on its agenda. 3) Wong stated it had been on the Committee agenda; however, the committee or the board did not specifically notify the applicant. 4) Bartley suggested that when someone applies for a controversial variance such as this, they know the board will be addressing it. Further, it has been on the committee agenda and the board agenda. Bartley supports the motion. It is a part of the legal requirement to know about the board in the permitting process. 5) Joe Gilman stated he was at the hearing for the 2nd house from the Lanikai marker and while the 1st house is a smaller lot with a pool directly under the house and inside there stonewall which is their property line. Therefore the pool is in the 40-foot setback. 6) Wong reminded the board that a lot of people complained to the City about the first house. A lot of complaints are going to the City on variances of this type that are being violated. This board did not ignore it--and others complained too. While the board did not take a position on the first house, it may take a position on this one. 7) Corcoran requested clarification in that when such a variance is sought it is not necessary to state a hardship. There was not mention of a hardship in this variance. 8) Evans asked if anyone in the Lanikai community opposed this variance. Evans still felt it was incumbent for the board to notify the homeowner that the issue would be discussed at the board. We are voting on a variance without input from the owner. 9) Enos stated she had been on the property. There are so many variances and so much construction going on in Lanikai right now, especially concerning the R10 zoning that she hates to see another one go. She supports the motion. Chair Bryant-Hunter reread the motion. **The Kailua Neighborhood Board opposes the variance request at 734 Mokulua Drive to build a swimming pool within the 40-foot setback. The motion carried, 13-4-0. Aye:**

Bartley, Corcoran, Correa, Dowsett, Enos, Glanstein, Harding, Lindgard, Prentiss, Ure, Wisch, and Wong. **Nay:** Dudley, Evans, Bryant-Hunter, Gibler, and Wilson.

NON-COMMITTEE MOTIONS: Chair Bryant-Hunter explained the following motions are Non-Committee motions and need to have a second.

Bryant-Hunter moved Evans seconded that **the KNB urges Governor Lingle and the State Legislature to act immediately regarding the Army's decision to suspend Medevac flights for Hawaii and develop alternative plans for this critical function.**

Discussion followed:

1) Evans stated the motion would have come from the committee however the announcement came after the committee meeting. 2) Wong asked how long the Medevac flights had been operational in Hawaii. 3) Evans replied since 1974 until they were suspended for the unit to deploy for Iraq. 4) Glanstein agreed it has been since 1974 and that she had testified in 1976 because it was noted at the time that it could be taken away at any time and that, in fact, is exactly what has happened. Her testimony was before SHIPDA and the Department of Health because what we wanted was inter-island support in medical evacuation service. Now we are in a situation where the Legislature must act, although it would have been preferable for the Department of Defense to act. 5) Dowsett spoke in support of the motion because with the service people will have the opportunity to survive, without it, they will not. **Motion carried unanimously. 17-0-0. Ayes:** Bartley, Bryant-Hunter, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

Evans moved, Glanstein seconded that **the KNB requests that the City's Department of Transportation Services remove the chicane on Kihapai Street, 600-block north of Puna'a Street, Kailua,**

Chair Bryant-Hunter announced that the issue is being addressed by Councilwoman Barbara Marshall's office with DTS and the motion has been withdrawn.

Bryant-Hunter moved and Wong second for the **Formation of a Kailua Neighborhood Board Permitted Interaction Group on Property Tax Reform to review legislation, gather information and develop recommendations.** This stems from the Special meeting held on January 12, 2006 that addressed Property Taxes Relief and Reform. The Permitted Interaction Group will examine the various bills and resolution that are being floated and bring their recommendations back to the board so that it may make a balanced and informed decision in March. (Chair Bryant-Hunter, members: Prentiss and Ure). **Motion carried unanimously. 17-0-0. Ayes:** Bartley, Bryant-Hunter, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

COMMUNITY PROJECTS AND NOTICES:

KAILUA ROAD APARTMENTS: D R Horton, Schuler Homes, Mike Jones and Bob Bruhl –

Chair Bryant-Hunter introduced Mike Jones and Bob Bruhl representing Schuler Homes who recently purchased the apartments on Kailua Road from Kaneohe Ranch Co. and informed the Board that they will also attend the Planning, Zoning and Environment Committee this month for further discussion with committee members and the community. Mr. Jones and Mr. Bruhl are Kailua residents, and D R Horton; Schuler Division has recently purchased the apartment across

from the Kailua Recreation Center. They will address the company they represent and share information about the apartments. They will update the board as time moves on. Schuler Homes has been in business on Oahu since 1973. Mr., Jones has been with Schuler homes 20 years, 17 in Hawaii. Since 1988 Schuler has built about 8000 homes, 4,000 have been affordable homes under different county guidelines on different islands. Bob will address the parcel:

Bob Bruhl described the property location from Michael's Liquor on Kailua Road east to Aolua Road and on to the church with the exception of the Kailuan, which is a co-op and was not for sale. Presently there are 217 apartments on site and approximately 54 are vacant and that number has been growing since the EPA consent decree of April 2005 with Kaneohe Ranch and the ground leases. We do own some of the buildings, we do not own all of them—we own the Coral Apartments and Town and Country. The Kailua Arms, Windward Countryside and Kailua Palms are all owned by others. In our building there are 25 units, 18 rented, and 7 vacant. As people move out (of the units) we cannot re-let because of the EPA consent decree. For those of you who are not familiar, there are 58 large capacity cesspools throughout those properties that need to be closed by the end of the year 2007. The original EPA mandate was to close large capacity cesspools by 2005. There was a special extension because of the proximity of the ground lease terminations and the requirements to close the cesspools. We are planning to raise the building at the beginning of 2008. As substandard structures, they contain lead-based paint and asbestos; substandard drainage that affects Kailua Road, lack of sewers and a host of other challenges that we will be taking on and, hopefully, the under-grounding of electrical in the area. Our plan is to build between 150 and 160 Condominium units. The property is zoned A2 but has Kailua's famous 40 foot height limit—so we won't be exceeding that. Our job one is that we are honoring all the leases. And our job two is that we plan accordingly (as we do in all our projects) with all City and County regulations and paying attention to the Ko'olaupoko Sustainable Community Plan and the Kaneohe Ranch Community Renewal process guidelines that were printed out there--compiled over the last four years. Job three will be to be sure there is a smooth transition of the property. I'll be the face of the property you will be seeing.

Chair Bryant-Hunter reminded the community and the board that the Planning, Zoning and Environment committee meets the third Tuesday, the 21st of February at Kalama Beach Park, Boettcher Estates at 7:00 p.m. More discussion will take place there.

Questions and comments followed:

1) Wong inquired whether Schuler was evicting people. You said you are honoring their leases? Are the leases month to month? What are you doing? Bruhl stated that under the purchase agreement they are honoring the leases, which are month to month. There were transitions to month to month to allow folks to move without financial penalty. It was his understand that for those who moved on the 13th of the month Kaneohe Ranch refunded their rent for 17 days they were not there. We will be doing the same thing. We are only evicting people if they are not staying or are causing trouble. We just took ownership a month ago and we have not evicted anybody and hopefully we won't have to go through that process. We are renewing the month to month-through September 30, 2007 for the people who want to stay. There was a 90-day period for the transition on the property specifically for the cesspool closures. 2) Glanstein asked the total square footage of the property--now. Mike Jones replied 6 and one half acres. Mr. Bruhl said roughly 285,000 square feet. Glanstein asked if there were any people there who were currently on Section 8 housing. Mr. Bruhl said he had been told there is no Section 8 housing there—and that was a question they asked during the acquisition process. Glanstein asked if there was anybody there who was on public assistance and whether Schuler would have to find a location for them. Mr. Bruhl said he did not know but could ask the management company for that information and report back. Glanstein requested to have this issue on the agenda every month so Schuler can make a progress report. 3) Chair Bryant-Hunter said she would defer to the Chair of the Planning, Zoning and Environment Committee for a time line and what is the appropriate reporting strategy. 4) Dudley asked if Schuler was planning an improved roadway and sidewalks. Mr. Bruhl said they had to meet with the City on that issue. We did agree in the purchase to install a pedestrian walkway as requested.

SENATOR HEMMINGS requested to give his report now, as it had been a long day. Two weeks Shannon Wood requested assistance with the Dog Park proposal and Peter Young gave the preliminary approval for that Dog Park.

Chair Bryant-Hunter thanked Mr. Jones and Mr. Burhl for their presentation and reminded them to attend the committee meeting.

ELECTED OFFICIALS:

U.S. CONGRESSMAN ED CASE – No representative was present.

MAYOR'S REPRESENTATIVE – Chair Bryant-Hunter introduced Joan Manke and it was noted that she is the acting Executive Secretary of the Neighborhood Commission Office. Ms. Manke reported for Jeanne Schultz who will be back next month. Ms. Manke suggested she was anxious to work with each and every one of the Board members and noted that she recognized a number of members she already knew. She had served on Congressional staff of Congresswoman Patsy Mink. She was excited to begin her new post as Executive Secretary and begin her post by reporting to the Kailua Neighborhood Board as she has lived in Kailua for the past 30 years.

- **Drainage Swales on Kipuka Place - update** - This issue refers to a private lane that does not qualify for City maintenance, as it serves only 5 individually owned parcels. The storm water from the lane will not readily drain to the main street. Any proposed modification or change to Kipuka Place at the intersection to the private lane would require a permit and approval by the Department of Planning and Permitting and should be discussed with that agency. The existing concrete curb and rolled gutter are higher than Kipuka Place including the driveway of the private lane. The road curve is consistent with the rest of the street and appears to be correctly constructed. This is not a City and County maintenance issue; the homeowners along the private lane should investigate the grading along the lane and determine what steps are needed to improve the drainage. The Department of Design and Construction is working with landowner, Mr. Brown, to see what can be done. (Response of DPP and DDC)
- **High-Capacity Transit Corridor Project - update** – There was concern about the short turn around to make comments City Council imposes a tight deadline for the project (Resolution 05-377); and wants to receive the complete technical information before November 1, 2006. To accomplish this the City must shorten all activities time frame, including the public review period. However, it should be noted we are not omitting or skipping any public outreach activities. We are only shortening the review time. (Response of DTS)
- **EIS update of Waimanalo Gulch Landfill** - Nothing has been forthcoming from the department, and Ms. Manke will work with Jeanne Schultz toward a response for the next Board meeting.
- Ms. Manke announced: The roll out expanded programs for: a) curbside green waste recycling. Automated pickups begin in neighborhoods with the blue bins (Mililani-North Shore-Windward Oahu). As expansion is affected in the future, green bins will be issued to the new households; b) There is going to be island-wide regularly scheduled bulky item pickup has been expanded to include the Waianae Coast, North Shore, Koolauloa and Windward Oahu to Kahaluu). More details to follow in late February. This is a big change from having to call facilities maintenance for pickup.

QUESTIONS AND COMMENTS FOLLOWED:

- Wong asked just what is the City and State policy for low-cost rentals. Ms. Manke will look into that and get back to the board.
- Bartley asked about notification of owner's on variances and the responsibility of the Neighborhood Board to notify the homeowner to appear or respond to the board from DPP. Also, have placed on that DPP form that it is the owner's responsibility to appear/respond to the neighborhood board. Ms. Manke confirmed she would follow up.
- Corcoran stated that last week that Mayor Mufi Hannemann said he was not sure if the Waimanalo Gulch Landfill-Leeward would close in May of 2008. Since last spring the board has been pushing the Administration to get started on the Environment Impact Statement for the expansion, which has not been done. There are only 24 months left on the current permit. It has taken near 36 months to secure the prior permits for the landfill. If the permit runs out there will be no place to the municipal solid waste. Look at Maui, being fined \$10,000 a day for no permit. We don't want the same problem.
- Evans exclaimed, don't take Marie Richardson away from us—we would like to have her—forever. If you are thinking of making reassignments, please leave that alone—Bryant-Hunter agreed.

GOVERNOR'S REPRESENTATIVE – Mark Recktenwald report:

- **Resurfacing Project on Kalanianaʻole Highway.** DTS says it is ahead of schedule despite the lost of two weeks due to problems with their asphalt supplier—mechanical problems. They are still ahead of schedule and work in the Honolulu bound direction. And, they did go out and trim the median about 10 days ago. It helps with the appearance of the road.
- **Mokapu Boulevard.** Will be undertaken as a part of the resurfacing project of Mokapu Boulevard. DTS has it scheduled for about March of 2007.
- **Kailua High Access Road.** There has been an impasse of sorts about which government agency will take responsibility of that road. One candidate is the City & County, usually in the business of owning the smaller roads around the community. Another would be the Department of Education, which owns the property the road has access to. Neither of them is willing to take ownership at this time. Recktenwald talked to the Comptroller and he advised me that the Department of Account and General Services will take ownership on an interim basis, in essence, take ownership of the road with the hope and belief that some other agency will ultimately step forward and be willing to take jurisdiction which would be more appropriate as DAGS is not currently in the business of owning roads. One of the significant issues that arise is the ability of the City and County police to patrol this road would turn on who own it. DAGS should be commended for stepping up temporarily. With that resolved the process could continue to the planning process. The critical issues the deciding the route the road will take as we move into the design phase.
- **6th Channel for Olelo.** That was in my department. We reaffirmed our earlier order to provide a trial period of one year. After nine months we will assess how that has worked out. February 10 that will take place. We are having some congestion with CSpan 2 and it was suggested that Time Warner would drop CSpan 2. Time Warner is not going to Drop CSpan 2; however they are going to move it to channel 78. The 6th Olelo channel will be on channel 49.
- **Low-Cost Rentals:** Generally the Governor has been very supportive, as in the state address to increase the amount of the rental subsidy to increase the eligibility of persons for rental subsidy, so there are a number of initiatives.

QUESTIONS AND COMMENTS FOLLOWED:

- Wong asked if there was a policy within the administration whether supporting by partnership or whether the State should be in the business of building or subsidized affordable low-cost housing. Recktenwald stated the question was beyond his ability to answer other than his previous statement. However, there may be federal money available to pay for security deposits and the first month's rent for people who would not otherwise be able to afford them. I will have to find out more on the question of building the housing.

- Enos remained Recktenwald of the issue of the lawlessness-taking place across the street from buzzes on Kailua Road—a bunch of campers there—not necessarily homeless. While the police are doing their job, the judicial system is not supporting them. Find out why the cases are being thrown out on technicalities. The laws on the books are being made a mockery. Citizens are fed up with this. Especially because of the robberies and drug activities that go on. While there has been a lot of relief regarding the campers in the parks, (and that is appreciated), the problem remains on the road. They are not technically in the park; they are on the road. Recktenwald stated that it was not a State jurisdiction, however, Peter Carlisle's office screen cases before prosecution and this should not have occurred if the case was a good case.
- Corcoran stated that DOT Director Haraga said he would be asking the Legislature for more money for highways; and our specific case is getting the highway paved in the Pali Tunnel down to Castle Junction. We are now patching the patches in the potholes in the Pali Tunnel. Recktenwald will inquire.

REPRESENTATIVE PONO CHONG - a reported a lot of items were brought up concerning tax relief, money for the schools and I addressed that at the last meeting. Some bills I have introduced are for increases to the personal exemption as a form of income tax relief for and for homeowners, and while property tax is a county issue, it was a way to give them latitude.

- The Kailua High Access Road, I met with Debbi Glanstein and Mike Heh and Chair Takamine and Representative Waters this afternoon about this issue and he is very supportive. We look forward to getting it out of the house budget getting this access road to happen. Last year we sent it out of the House and had the 5 million dollars but the senate did not approve it. We will try again.
- I have a bill for Kawai Nui Marsh. An article in the newspaper stated the City and the State had come to an agreement, however that was not true. I have met with the State (Peter Young) and some representatives of the City and found there is no agreement. I introduced a bill to make the transfer by July of this year, in which the Marsh will go, in fee, to the State with the State maintaining the levee, the City to maintain Kaelepulu Stream and Oneawa Canal. We are hoping to have that bill heard next week.

REPRESENTATIVE TOMMY WATERS: There have been cost overruns on almost every Capital Improvement project from last year.

- In the case of Waimanalo Waste Water Treatment Plant, we appropriated 20 million dollars last year and this year DLNR is telling us it is going to cost an additional 20 million dollars. When a big rain comes it is a matter of health and safety —overflows reach the ocean and it is necessary to close the beach.
- I will be working with Rep Chong and Thielen to get 5 million dollars for the Kailua High School access road. We got the \$800,000 for design and now we need the 5 million for construction. As DAGS is going to take temporary ownership we can move forward
- At Keolu Elementary there are steps that leave the property. Worrying that the children may wander off or intruders may enter, a fence is proposed. If the State legislature fails us on the fence perhaps the community can come together and we can build it ourselves.
- Also grant in aid for Waimanalo and the Lanikai clubhouse that need some improvements, \$100,000 to repair the roofs and bathrooms (where the crafters hold their fairs).
- Good news, HB1647 for an underground utility conversion fund that sets policy to underground electrical lines so they won't fall down in storms.
- HB 1647 passed the environmental protection committee and moved over to the CPC Consumer Protection Committee. Testimony can be submitted for this Saturday for that bill. Fax it to the Sergeant at Arms at 586-6501, email it to testimony@capital.hawaii.gov and have it in 24 hours before the hearing.
- HB 1953 which would require flashing yellow traffic signals at all schools and areas where there are elderly housing—in the title it says only public schools, however, the bill itself says all schools and gives the County of Honolulu \$4 million (and the other counties \$2 million).

- HB 1950 for unadjudicated traffic fines will have a surcharge for the Police Department. I'll let you know when the hearing is.
- HB 2187 would give the department of health \$600,000 to develop a new policy –in the meantime they could hire helicopters or retrofit Blackhawk helicopters that the Air National Guard currently has. It is not a permanent solution, but an interim one.

QUESTIONS AND COMMENTS FOLLOWED:

- Wilson inquired if the surcharge on traffic tickets (unadjudicated) while the state takes all the money into the general fund, it would be nice if the city & county could get all that back as the City has to fund the police department. This could help the property tax relief slightly. Waters said the argument is that the State is paying for the public defenders, the courthouse, the clerks and the sheriffs and the judges. It would be better if some of the money were earmarked for return to the counties for the police departments.

Evans moved and Ure second to **extend the meeting. Motion passed unanimously. 17-0-0.** Ayes: Bartley, Bryant-Hunter, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Glanstein, Harding, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

Enos, Dowsett and Harding left the meeting at 10 p.m. (14 members present).

- Evans reminded Waters of her testimony on HB 1952 for all schools, not just public schools should have flashing yellow lights. That testimony also addressed changing the description to include all schools and not just public school. HB 2187, you and Magaoay? Rep. Waters replied yes.
- Bartley inquired concerning any bills relating to and end run for illegal rentals, transient vacation units and bed and breakfasts. Rep. Waters said he has kept watch and there are none.
- Wong was concerned about the Aikahi wastewater treatment plant and the odor since the equipment had broken; the children at the elementary school have been negatively affected. Since the City is not addressing the problem, can't BOE put up a better barricade to protect the children?
- Bryant Hunter suggested that BOE is considering the school be air condition like Maillili Elementary School. Rep Waters reminded that the children are still outside for before, after school, lunch and recess.
- Glanstein thank Rep Waters for his support with the Kailua High School Access Road. The Board hand delivered a letter today to the Governor that asked or intervention—and we have apparently gotten it. Thanks. A correction, however, the environmental assessment was supposed to have been done by the end of October. Only part of that was done—that was for planning and design. What they needed was the ownership piece, albeit interim. They can finish the design phase of the environmental assessment. We are moving forward—and that is nice. Glanstein also noted that waters has \$80,000 for a flashing light at St. John Vianney School, Rep. Chong, do you have something similar in you CIP? Chong responded no. We worked with the school last year and they said they were going to talk to DTS head Haraga. We told them to let us know after the meeting how that worked out. They did not call us and we assumed the City and the School had worked something out. There is still plenty of time to try to move something forward. Glanstein reminded Rep Chong about their conversation about a warning light at Kalaniana'ole Highway and Ulupii Street during school hours. Rep Chong said that DOT was to do a traffic study to determine if a traffic light was warranted and they came back and said they had recently done a study and it was not warranted, but we continue to work with them to see what we can work out.

REPRESENTATIVE THIELEN's staff is prepared to take questions back for her.

SENATOR HOGUE staff Malia Smith reported that the survey was sent to 10,000 in December and reported receiving back 800 on the results and made copies available to the board and the

audience. Senator Hogue supports the Kailua High School Access Road project. The Governor's office was contacted and David Pendleton will endeavor to move that along. SB 2891 relating to ambulance for the windward side, Hogue is urging the bill to be heard but the chair declined. Hogue did write another letter.

- Evans reported that last years the Chair said she would hear the bill this year, so she has reneged? Malia Smith said the Chair said in her note that there were other priorities.
- Wong asked if Aikahi Elementary School was in Senator Hogue's district. Malia said no, Senator Hemmings.

COUNCILMEMBER BARBARA MARSHALL representative Gail Myers was requested by Bryant-Hunter to take back the question about Aikahi Elementary School to the councilmember. Glanstein inquired about Bill 16, the Mayors bill to Council to establish a special homeowner's exemption however, I want to know if someone is otherwise qualified for this exemption and also runs a Bed and Breakfast or Transient Vacation Rental would this bill specifically exempt them from the homeowner's exemption classification and will you get back to me on that. If it does not say, specifically, that these people are exempted then it should say so.

COMMITTEE REPORTS:

PERMITTED INTERACTION GROUPS:

BED AND BREAKFAST, TRANSIENT VACATION RENTALS – Wish reported for the committee that he had spoken to the Department of Planning and Permitting and the citations being issued by the department are up 4-5 times over previous citations. They have been following Corporation Counsel's recommendation and issuing files at the maximum of \$1,000 per day. When they get a notification on a violation they do not issue a citation based only on the report, rather they send out an inspector to verify the complaint and only in that case do they issue a citation. So when you hear the number has gone up 4 to 5 times, that is, with that verification. Mike Fridel is willing to give us more specifics and I will follow up with a letter for that information. I will have more information next month including the response from DPP.

CHARTER COMMISSION – Wilson reported good news and bad news. However, the bad news overwhelms the good news. I would like to acknowledge all the hard work and effort put forth by Ms. Glanstein and Ure in writing the 6 Proposals submitted on behalf of this Board. The Board had a very short preparation time to ensure the Proposals were submitted by 31 October 2005. The proposals were meaningful and well written so they deserve a well done. Also, the testimonials prepared by Chair Bryant-Hunter, Ms. Glanstein and Ure and Mr. Corcoran were very helpful. At least we managed to get one Proposal passed. Mahalo for all the efforts and patience sitting through over five hours of testimony at the Charter Commission hearings. It was disappointing to have only one Proposal pass but at least an effort was made. There were 16 Proposals submitted from all of the Neighborhood Boards. The bad news is that only 2 of the 16 Proposals passed forward for Public Hearing in March. The good news is that this Board's Proposal 13 was one of the 2 Proposals that went forward. The 2 Proposals that went forward were Proposals 9 and 13. Proposal 9 recommends that the Executive Secretary be appointed and terminated by the Neighborhood Commission and would require the Executive Secretary to have served one full term on a Neighborhood Board. Proposal 13, this Board's recommended Proposal, recommended that the Neighborhood Commission develop revisions to the Neighborhood Plan, review effectiveness of Neighborhood Boards and to submit an annual evaluation of the Executive Secretary for review by the Mayor and City Council. Some of the Proposals that failed were duplicative but did contain some helpful recommendations for an improved Board system. In summation, these recommendations were:

- Executive Secretary be a on-voting member of the Commission
- Civil Service protection for employees of the Commission office. This would have afforded a smoother turnover whenever a new Administration took office.

Have the Corporation Counsel advise, and work directly with, the Neighborhood Boards. Now, the Boards have no means of any legal advice that causes a severe delay in acting upon complaints.

Presently, there are complaints pending as far back as 2001. The next step in these Proposals is the Public Hearings in March still being scheduled.

1) Glanstein remarked that in 2004 this board passed a proposal that eventually went on the ballot. This is not the first time—this is the third time this has happened. We were successful. We are more successful when the Charter Commission isn't there because one of the things we found out is the Charter Commission are all political appointees. And they are necessarily, or even somewhat, familiar with the operations of the Neighborhood Commission, the neighborhood commission office or the neighborhood boards. We tried as hard as we could (as did other neighborhood boards) to educate them, and as Bill said, we were somewhat successful. This is not a mortal blow—somewhat wounded, but we shall move on. We will see what they come out with. Bill thanks you for your attendance at all of the meetings of the Charter Commission. This is not fun, this is tedious—we appreciate it. I appreciate it.

2) Ure informed the Board that an inquiry has been sent to Office of Information Practices, as it appears the method of rules for voting on the Charter Commission Proposals changed after the first session and before the next. We need to know if that is appropriate, or not.

3) Bryant-Hunter wanted the Board to know that there were five members of the board at the hearing that day and that is a strong reflection of the contribution to the whole discussion about the Charter Amendments as relates to the Neighborhood Board System. Each of them did a really nice job of educating the Commission about the Neighborhood Board System and things that can be done to strengthen it. While Bill's response seems somewhat sad, it was very positive and we did a lot to educate them and the fact that there are proposals still moving forward as a tribute to the testimony that was provided because how because many, many, many proposals are not going anywhere. We should be quite proud that those two proposals are moving forward. There is a lot of opportunity for discussion and input. And because we were there those issues are moving forward.

4) Evans thanked Bill Wilson again for taking the helm of this Charter Commission and, for a new member, he did a terrific job. It is more positive than negative.

NEIGHBORHOOD PLAN REVIEW – deferred to next month.

TRANSPORTATION AND PUBLIC SAFETY COMMITTEE – Chair Faith Evans reported a number of emails with Ed Haraga regarding the unsightliness of that median, he found a way to bring a crew or crews in on a Saturday morning and cleaned up the place and it really looks good—I really want to thank him.

Status of Keolu Drive Working Committee—we met a couple of weeks ago called by DTS and there has been no firm decision at this time.

- Status of request to DTS to conduct comprehensive study of intersections of Kailua Road, Hamakua Drive and Kaneohe Street and all feeder streets: traffic counts are completed and we should be hearing from them soon.
- Committee's discussion for a comprehensive traffic plan for downtown Kailua: at the last committee meeting a conversation with Kimo Steinwascher of Kaneohe Ranch is in concurrence with some of the Committee's proposals, we will continue to discuss the various alternatives to traffic problems.
- Wanaao Road Sewer Reconstruction Project is going to be starting sooner than we had hoped.
- Vehicles blocking crosswalk near Bank of Hawaii, the Police Department's Major assured us it would be taken care of.
- **NEXT COMMITTEE MEETING: Wednesday, February 15, 2006, 7:00 p.m., Kalama Beach Park**

GOVERNMENT AND COMMUNITY SERVICES COMMITTEE – Vice-Chair Corcoran suggested he would entertain questions on the items rather than report.

- Homelessness in Kailua as it relates to the Department of Human Services – inquiries, responses, report, update

- Legislative liaison report: Kailua High School Access Road
- Various Neighborhood Boards resolutions submitted to Legislature relating to: a) amending the Sunshine Law excluding the Neighborhood Boards; and b) the dedicated land protection and affordable housing funding.
- **NEXT COMMITTEE MEETING: Saturday, February 18, 2006, 10:00 a.m., Zippy's Kailua**

There were no questions.

Jim Wood requested to speak on the Transportation and Public Safety report on the Keolu Drive Working Committee as the report given did not match what he observed and he was there. His understanding in the first hour and a half was that DTS was leaving the Bike lane in the sections from Wanaao Road to Hamakua Drive. DTS evaluated it and determined it was beneficial to the resident there. It had no effect on the speed of the traffic, but that people felt safer in backing their cars out. That was their conclusion and it may have changed after I left.

1) Evans stated she would not report on something that did not happen. After Jim left they decided to back down on their decision on the Bike lane. It is still in discussion because they realized it would goof from Hamakua Drive to Wanaao Road and that is a short distance for a bike land and what would happen, so nothing is in concrete yet.

2) Bryant-Hunters asked for a letter from DTS.

3) Evans stated there would be no letter as they are now having a new director and they are going through the whole process and we are just going to have to wait.

4) Wood stated he did not intend to make a formal complaint but he felt very uncomfortable with the role of the Chair of the Transportation and public Safety Committee in that meeting because she was not representing a stated position of the board but she was arguing the bike lane and we had a meeting in which the proponents of it got worn down, Kathy Kelly left after an hour, I left after an hour and a half, and the people who were adamantly against it were John McCarthy and Faith Evans and Barry Wong and others continued to stay and hammer on the DTS people . I gather they finally carried the day after everybody else left.

5) Prentiss reminded the Board Chair of his concern over the possible violation of the Sunshine Law in regards to this working group and two or more board members participating and at that time it was not a truthful statement as there were more than two board members present and they all spoke. And I hope the City is aware it was not a permitted interaction group of this board and their participation was totally inappropriate.

6) Bryant Hunter agreed stating that the Chair understood that Faith would be there as an observer and not as a participant.

7) Evans stated that they were discussing.

8) Bryant-Hunter clarified that one must be very careful.

9) Evans stated she was the only board member there.

10) Bryant-Hunter clarified that Mr. Prentiss was speaking in the past tense and that it must be clear that when moving forward that there is no permitted interaction group, only an observer, and cannot comment. It needs to be clear that that is your role on the working group that you are to be there as an observer, report back to the board the findings.

11) Evans stated that does not mean you can't ask questions; you should be able to ask questions

12) Prentiss questioned again the role of the observer.

13) Bryant-Hunter stated that as a member of the working group Evans is an observer and my ask question but may not comment and must report back to the board. One needs to be very cautious of one role.

14) Evans said she understood but when the shoe is on the other foot it is ok because when Mr. Wood sat on that committee before he was on the board.

15) Bryant-Hunter stated Mr. Wood was no longer on the Board.

16) Evans stated when he was on the Board he was making comments etc.

17) Bryant-Hunter stated she understood, however, that was in the past and we have clarified the role for now.

18) Mr. Wood is no longer on the Board, nor is Mr. Barry Wong, and we have made it very clear the role now for a board member that is on the working group. Move forward.

19) Evans stated we do not call the meeting, DTS calls the meeting and they take the attendance and they keep the minutes.

20) Bryant-Hunter stated that it has been made quite clear that Evans' position there is as an observer and report back to the board.

PARKS AND RECREATION COMMITTEE – Committee Chair Chuck Prentiss reported: 1) the issue of the boat ramp repair-- those folks have not updated us so there is no report at this time.

NEXT COMMITTEE MEETING: Tuesday, February 21, 2006, 7:00 p.m. Kalama Beach Park

PLANNING, ZONING AND ENVIRONMENT COMMITTEE – Committee Chair Donna Wong reported: no updates.

NEXT COMMITTEE MEETING: Tuesday, February 21, 2006, 7:00 p.m., Kalama Beach Park

EXECUTIVE COMMITTEE - Board Chair, Vice Chair, and Secretary/Treasurer

- The Office of Information Practices (OIP) opinion letters from August 2005 to January 2006 concerning inquiries and responses by and to various Neighborhood Boards concerning the Sunshine Law are posted on the NCO website at <http://www.honolulu.gov/nco/05oip.htm> Anyone having additional letter from the OIP may submit them to the NCO and have them posted as well.
- WE are in the process of writing letters to the Executive Secretary regarding access to our mailing list as it has been culled down significantly. We need to review that to see if names have been taken off inadvertently. It should be in the possession of our Board Secretary. We will follow up to make that happen. And that letter went out today.
- WE also sent a letter on Budget for those of you who are not aware, we are currently in a 25 month budget cycle because of proposed changes in the neighborhood plan and it is possible we could run out of money. We have sent a letter to the City Council alerting them of this 25-month cycle issue and hopefully that will be resolved so that all neighborhood boards have sufficient funds to complete their terms.
- The sound system, as many of you know, we may not always have Hope Chapel here as our sound crew so Mr. Bartley is looking into some specific equipment and we would like to use our discretionary board funds to purchase so that we can purchase and have our own sound system in the event that Hope Chapel can no longer provide us a sound system. Bartley reported that it was hoped that the board could get the mike mixer that Terry Carroll purchased previously that is apparently now the property of the park, hopefully we will be able to use it and we need to buy a PA amplifier unless someone here has a PA amplifier that would be suitable that would save us about \$125.00 for the amplifier and another \$25 for cables. I have PA speakers I can donate. Ideas are welcome. WE are hopeful to get this completed in the next month or two. We would like to have the Secretary's and Neighborhood Assistants recorders to plug directly into the mixer for better quality recording of the meetings.
- **NEXT COMMITTEE MEETING: Wednesday, February 21, 8:00 a.m., Agnes Bakery Kailua**

OTHER REPORTS:

CIVILIAN-MILITARY COUNCIL – Jim Corcoran the minutes of the Civilian Military Council will be in the reading file for the Board.

KAILUA CHAMBER OF COMMERCE – the Chamber has just installed a new Board.

- David Earles has been reelected as the Chambers President.

Wilson asked for the results for televising the board's meetings on the new channel with Olelo.

Bryant Hunter reported that of the responses from the board members, 11 of 12 were for Sunday afternoon at 3:00 p.m. Chair has requested that time slot and second choice is Friday at 9:00 p.m. We will be notified.

NEW BUSINESS:

BOARD ANNOUNCEMENTS:

1. Submit March Committee Agenda items to Chair by February 21, 2006.
2. Committee correspondence should be copied to Chair and Secretary.

ADJOURNMENT: Glanstein moved and Ure seconded to adjourn. Without objection the meeting adjourned at 10.35 p.m. Ayes: Bartley, Bryant-Hunter, Corcoran, Correa, Dudley, Evans, Gibler, Glanstein, Lindgard, Prentiss, Ure, Wilson, Wisch, and Wong.

Submitted by

Linda Ure, Board Secretary and
Marie Richardson, Neighborhood Assistant